

Calendar No. 84

82D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 85

PROCEEDINGS AGAINST JOSEPH DeCARLO ALIAS "THE WOLF" ALIAS DiCARLO FOR CONTEMPT OF THE SENATE

FEBRUARY 8 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized Crime in Interstate Commerce, submitted the following

REPORT

[To accompany S. Res. 67]

The Special Committee To Investigate Organized Crime in Interstate Commerce as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Joseph DeCarlo alias "The Wolf" alias DiCarlo, of Youngstown, Ohio. The said subpoena directed Joseph DiCarlo to be and appear before the said committee forthwith, at room 532, Federal Building, Cleveland, Ohio, then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of issuance of the subpoena was the 15th day of December 1950. Attendance pursuant to said subpoena was duly postponed to January 19, 1951, at 10 a. m., at which time the witness appeared. The subpoena served upon said Joseph DiCarlo is set forth as follows:

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To JOSEPH DeCARLO, ALIAS "THE WOLF," ALIAS DiCARLO, 1950 Volney Road, Youngstown, Ohio, Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Senate Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on forthwith, 1950, at their committee room, 532 Federal Building, Cleveland, Ohio, then and there to testify what you may know relative to the subject matters under consideration by said committee. And bring with you such documents, papers, records, books of account, books of records, tax records, memorandum, or any other document or paper relating to your financial and/or business activities or dealings for the years 1945 to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.
Given under my hand, by order of the committee, this 15th day of December, in the year of our Lord 1950.

ESTES KEFAUVER,
*Chairman, Committee on Senate Committee To Investigate
Organized Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by William T. Fitzgilihan, who was duly authorized to serve the said subpoena. The return of the service by the said William T. Fitzgilihan, being endorsed thereon, is set forth as follows:

DECEMBER 30TH, 1950.

I made service of the within subpoena by reading the contents and serving same to the within-named Joseph DeCarlo, alias DiCarlo, at the Statler Hotel in room 1338, Buffalo, New York, at 9:10 o'clock a. m., on the 30th day of December 1950.

Witness:

WM. T. FITZGILIHAN.

WM. TURNBULL.

The said Joseph DiCarlo, pursuant to said subpoena and in compliance therewith, appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Joseph DiCarlo having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the records of the hearing on January 19, 1951, at United States courtroom 312, Federal Building, Cleveland, Ohio, which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Joseph DiCarlo's refusal to answer the questions pursuant to the said inquiry, as appears in the record annexed, consisting of pertinent excerpts from the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of said subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Joseph DiCarlo pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions as set forth in annex I is a violation of the subpoena under which the witness was directed to appear and answer pertinent questions to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to answer said questions was duly authorized by a resolution of the said committee, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 3, 1951

The committee held an executive session. There were present Senators Kefauver, Wiley, and Hunt.

It was duly resolved on motion made by Senator Hunt and seconded by Senator Wiley that the chairman be and hereby is authorized at his discretion to appoint one or more subcommittees of one or more Senators, of whom one member shall

be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman might designate in furtherance of the committee's investigations of organized crime in the vicinities of the cities of Cleveland, Ohio, and Detroit, Mich.

ESTES KEFAUVER, *Chairman.*
ALEXANDER WILEY.
LESTER C. HUNT.

In accordance with the resolution of January 3, 1951, the chairman designated himself as a subcommittee of one to swear witnesses and to hear testimony at Cleveland, Ohio, on January 17 through 19, 1951.

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 29, 1951

The committee met at 3 p. m., in the Senate District room, United States Capitol. There were present the chairman and Senators O'Connor, Hunt, Tobey, and Wiley. The chairman presented to the committee the minutes of the committee meeting of January 19, 1951, together with a resolution made on January 3, 1951. The chairman stated to the committee that the chairman had designated a subcommittee to hear continued testimony in connection with organized crime in the city of Cleveland, Ohio, pursuant to the resolution of January 3, 1951, the subcommittee consisting of the chairman.

The chairman then presented to the committee the minutes of said subcommittee meeting of January 19, 1951, held in courtroom 312, Federal Building, Cleveland, Ohio.

The chairman stated to the committee that the witness, Joseph DiCarlo, repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout counsel and chairman's examination of said witness on January 19, 1951, and that his refusal therefore was improper and contemptuous.

The chairman presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator O'Connor, duly seconded by Senator Wiley, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the northern district of Ohio to proceed against the said Joseph DiCarlo in the manner and form provided by law.

ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE
COMMERCE

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Cleveland, Ohio, Friday, January 19, 1951.

The committee met, pursuant to adjournment, at 9:45 a. m., in room 318, Federal Building, Senator Estes Kefauver (chairman) presiding.

Present: Senator Estes Kefauver.

Also present: Rudolph Halley, chief counsel; Joseph L. Nellis, assistant counsel; George S. Robinson, associate counsel; and John McCormick, staff.

THE CHAIRMAN. All right. Mr. DiCarlo?

Mr. Mock. He is in the city, but I understood he would be here at 10 a'clock.

THE CHAIRMAN. He is outside, I think. What is your name, sir?

Mr. Mock. Russell Mock. From Youngstown.

THE CHAIRMAN. Your address?

Mr. Mock. 1003 Mahoning Bank Building, Youngstown, Ohio.

THE CHAIRMAN. All right, Mr. DiCarlo, come around.

Do you solemnly swear the testimony you give this committee will be the whole truth and nothing but the truth, so help you God?

Mr. DiCARLO. I do.

Mr. NELLIS. What is your name?

Mr. DiCARLO. Joseph DiCarlo.

Mr. Mock. Are you known by any other name?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Never been known as "Doto"?

Mr. DiCARLO. No.

Mr. NELLIS. Have you ever been arrested?

Mr. DiCARLO. Yes.

The CHAIRMAN. Let the record show that Mr. Russell Mock, attorney, of Youngstown, Ohio, is appearing with Mr. DiCarlo.

That is spelled D-e-C-a—

Mr. DiCARLO. D-i.

Mr. NELLIS. Have you ever been arrested?

Mr. DiCARLO. Yes, sir.

Mr. NELLIS. In connection with what?

Mr. DiCARLO. Well, offhand—gambling.

Mr. NELLIS. Well, did you spend 6 years in the United States penitentiary at Atlanta?

Mr. DiCARLO. Yes.

Mr. NELLIS. What was that for?

Mr. DiCARLO. Conspiracy.

Mr. NELLIS. Conspiracy to what?

Mr. DiCARLO. Well, offhand I wouldn't know the charge.

Mr. NELLIS. Well, were you sent there for conspiracy to intimidate witnesses in connection with a case pending at that time?

Mr. DiCARLO. Well, if that is what is on the record, it must be.

Mr. NELLIS. Don't you recall?

Mr. DiCARLO. I don't recall the cause.

Mr. NELLIS. How about an arrest in Buffalo in 1930; another in 1931, 1932, and 1936, in connection with suspicion, racketeer, and so forth? Do you know about that?

Mr. DiCARLO. Well, if it is on the record, I must have been arrested.

Mr. NELLIS. How about assaults in 1936, in Cheektowaga Forks, N. Y.? Where is that?

Mr. DiCARLO. Where is that; did you say?

Mr. NELLIS. Yes.

Mr. DiCARLO. Well, that is in New York State.

Mr. NELLIS. And assault in Buffalo in 1936.

Did you register when you went down to Miami under the felony law?

Mr. DiCARLO. Yes, sir.

The CHAIRMAN. Let's have an answer. You brought up matters about these felony charges, and he didn't answer.

Mr. NELLIS. Didn't he answer?

The CHAIRMAN. I don't think so.

Mr. NELLIS. Did you answer the question?

Mr. DiCARLO. What was that?

Mr. NELLIS. Were you arrested in Buffalo, N. Y., on about six different occasions in connection with various offenses?

Mr. DiCARLO. Well, I must have been. Is that my record there?

Mr. NELLIS. Yes; it is.

Mr. DiCARLO. Well, I must have been.

Mr. Mock. For the purpose of the record, of course, I wish to object to it, because of the remoteness. It has nothing to do with interstate.

The CHAIRMAN. All right.

Mr. NELLIS. When you went to Miami Beach, Fla., in 1937, did you register as a felon?

Mr. DiCARLO. Well, I don't know what year. I registered four or five different times, but just don't remember the year.

Mr. NELLIS. I offer this record in evidence, Mr. Chairman.

The CHAIRMAN. Is this the official record?

Mr. NELLIS. Yes; it is.

The CHAIRMAN. Well, I don't understand this first, here, whether assault, first-degree—there also seems to be a conspiracy to intimidate witnesses.

Are those different things? Were they different? They seem to be each 6 years.

Mr. DiCARLO. No; there is only one sentence of 6 years, Senator.

The CHAIRMAN. There is an assault back in 1924, and then in 1925 there seems to be a conspiracy to intimidate witnesses.

Mr. DiCARLO. Well, I think that is both the same charge. If my recollection is right, in 1925 I was in Atlanta.

The CHAIRMAN. It seems to be two different sentences here.

Mr. DiCARLO. Well, there can't be. There is only one on that part of the time.

The CHAIRMAN. All right. Let the record be made a part of the record (The document identified was thereupon received in evidence as exhibit 1, Witness DiCARLO.)

Mr. NELLIS. Where were you between December 15 and January 3 or 4 of this year?

Mr. DiCARLO. Why, I was in Youngstown and in Buffalo.

Mr. NELLIS. Did you know this committee was attempting to serve a subpoena upon you?

Mr. DiCARLO. No, sir.

Mr. NELLIS. You had no knowledge of that; is that right?

Mr. DiCARLO. No, sir.

Mr. NELLIS. You didn't read the newspaper?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Or hear it on the radio?

Mr. DiCARLO. No, sir.

Mr. NELLIS. You weren't trying to duck service; were you?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Now, what is your business, Mr. DiCARLO?

Mr. DiCARLO. Well, I was in the amusement business until a few years ago. I would say 6 or 7 years ago.

Mr. NELLIS. What kind of amusement?

Mr. DiCARLO. Why, I had cigarette machines and music boxes.

Mr. NELLIS. What was your business in Buffalo?

Mr. DiCARLO. That is the business.

Mr. NELLIS. And what caused you to leave there?

Mr. DiCARLO. Why, I just wanted to leave.

Mr. NELLIS. What year was that?

Mr. DiCARLO. 1945 or 1946.

Mr. NELLIS. You just decided to leave Buffalo because the heat was on; is that right?

Mr. DiCARLO. No; there was no heat.

Mr. NELLIS. There was no heat? Well, what made you pick Ohio? How did you get here?

Mr. DiCARLO. Why, I don't think that is important.

Mr. NELLIS. Well, answer my question. The chairman will decide whether it is important or not.

What made you decide to come here?

Mr. Mock. I object to it, for the purpose of the record.

The CHAIRMAN. What did you come to Ohio for? That is the question.

Mr. DiCARLO. Why, I just wanted to make a change.

Mr. NELLIS. Well, where did you come first? To Cleveland?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Where did you go?

Mr. DiCARLO. To Youngstown.

Mr. NELLIS. Didn't you come to Cleveland and visit with James Licavoli?

Mr. DiCARLO. No, sir.

Mr. NELLIS. You are sure?

Mr. DiCARLO. Yes, sir.

Mr. NELLIS. And what did you do when you got to Youngstown? What was your business there?

Mr. DiCARLO. Well, I wasn't in any kind of business.

Mr. NELLIS. Well, what specifically?

Mr. DiCARLO. Well, I refuse to answer that question.

The CHAIRMAN. On what grounds, Mr. DiCARLO?

Mr. DiCARLO. Incriminating myself.

The CHAIRMAN. When was this you came to Youngstown?

Mr. DiCARLO. Why, I don't know; 1945 or 1946.

The CHAIRMAN. Well, incriminate yourself with what? Could you state the offense?

Mr. DiCARLO. Well, I just refuse to answer.

The CHAIRMAN. Well, the Chair will have to direct you to answer, Mr. DiCARLO.

Mr. DiCARLO. Well, I am not going to answer.

Mr. Mock. Senator, in fairness to the witness, I would like to state at this time that with reference to testimony yesterday of Chief Allen, there is still in litigation a case involving this man, Mr. Aeillo, and a Mr. Capudo.

Now, that case I argued in the supreme court at Columbus, Wednesday. In other words, in fairness to the witness, there is litigation pending over the very times that you are asking him about.

The CHAIRMAN. Now, let me get it straight. DiCarlo, Aeillo, and——

Mr. Mock. Mr. Capudo.

In the testimony yesterday, with reference to Chief Allen——

The CHAIRMAN. Does that case have anything to do with Mr. DiCarlo?

Mr. Mock. Yes.

The CHAIRMAN. Is he one of the defendants?

Mr. Mock. He isn't one of the defendants, but he is involved in the question, and Mr. Aeillo, whom Chief Allen claimed he was in business with at that time, is certainly involved. The three of them are there.

The CHAIRMAN. Well, what is the nature of the case?

Mr. Mock. Well, it is entitled a suspicious person, but that is——

The CHAIRMAN. It is questioning the legality of the ordinance of the city of Youngstown; is that it?

Mr. Mock. It questions the legality of the city ordinance; it questions the right of the city under what we call a bill of particulars in this State, setting out certain things pertaining to gambling. It involves this man's local affairs, and involves Mr. Aeillo's local affairs, and due to the fact that it doesn't have anything to do——

The CHAIRMAN. Well, Mr. Mock, is Mr. DiCarlo one of the defendants, or is he one of the parties litigant to this case?

Mr. Mock. No; but the record does show that the chief is still investigating the offense. In other words, the record shows that he at that time testified that he was still investigating the case, and there would be later on more information or indictments, or probably offenses filed. Now, that is the reason.

The CHAIRMAN. Of course, Mr. Mock, I am sure you are familiar with the decisions of the Supreme Court, that while Mr. DiCarlo might have the privilege of not testifying under the fifth amendment involving some matter that might incriminate him of a Federal offense, he does not have the right to refuse to testify as to some matters that might tend to incriminate him of a State offense.

Mr. Mock. By the same token, under the Constitution of the United States and the Constitution of Ohio, there isn't any individual that has to testify with reference to incrimination of any State or national crime, and there is a question here not only as to gambling, but maybe as to another felony, so——

The CHAIRMAN. Of course, we are just talking about Mr. DiCarlo right now. I can't see that the case pending has anything to do with Mr. DiCarlo even if it involves the constitutionality of an ordinance of the city of Youngstown.

Well, anyway, Mr. Mock, I don't know whether you know the law better than we do or we know it better than you do, we will have to take a chance.

The question is, Mr. DiCarlo: What business did you enter in Youngstown, Ohio, when you came there in 1945 or 1946?

Mr. DiCARLO. I refuse to answer.

The CHAIRMAN. And the Chair directs you to answer.

Mr. DiCARLO. Well——

The CHAIRMAN. Do you still refuse to answer?

Mr. DiCARLO. Yes.

Mr. NELLIS. Were you in business in 1947?

Mr. Mock. Senator, in fairness to future questions, I might further explain that the other two or three that you subpoenaed before the committee, they are all involved in that same litigation, as the chief has already testified to. There are probably 20 men brought in, and under our State constitution they refuse to testify even as city witnesses.

The CHAIRMAN. Very well. We understand your point, Mr. Mock.

Mr. Mock. Thank you, sir.

Mr. NELLIS. The question is: What was your business in 1947?

Mr. DiCARLO. I answered that I refuse to answer.

The CHAIRMAN. Well, you are directed to answer. You refuse to follow the direction of the Chair; isn't that correct?

I asked you a question and you refused to answer, and if I think it is a proper question it is my duty to order you to answer. If I order you to answer, then you say you will or you won't.

Mr. Mock. He refuses to answer on his constitutional rights.

Mr. NELLIS. What is the Woodworth Novelty Co., Woodworth, Ohio?

Mr. DiCARLO. What is it?

Mr. NELLIS. Yes; what is it?

Mr. DiCARLO. I wouldn't know.

Mr. NELLIS. Weren't you associated in that business with some people?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Didn't you tell the Bureau of Internal Revenue that you were associated in that business?

Mr. DiCARLO. In the what?

Mr. NELLIS. Woodworth Novelty Co., Woodworth, Ohio.

Mr. DiCARLO. Woodworth, Ohio? I don't know where Woodworth—

Mr. MOCK. Mr. Nellis, there isn't any Woodworth, Ohio.

Mr. NELLIS. Well, that is what the record shows. It shows that the witness has received some receipts from a slot machine business. Now, one of the items—

The CHAIRMAN. Let's ask it this way: In 1947 or thereabouts, weren't you in the slot machine business?

Mr. MOCK. I object to it.

The CHAIRMAN. All right. You object. Will you answer the question?

Mr. DiCARLO. I refuse to answer it.

The CHAIRMAN. And you are directed to answer. I direct you to answer. Will you answer or will you not?

Mr. DiCARLO. I won't.

Mr. NELLIS. What was this item in 1948 which you stated that you received some income on speculations?

Mr. DiCARLO. I refuse to answer.

The CHAIRMAN. Did you receive some money by virtue of speculations during the years that we have been talking about, 1946, 1947 and 1948, and if so, what was it?

Mr. DiCARLO. I just don't remember.

Mr. NELLIS. Do you recall that in 1948 when you were in the slot machine business you—

The CHAIRMAN. In fairness, the witness hasn't said he was in the slot machine business.

Mr. NELLIS. Whatever business you were in in 1948, did you make any pay-offs in connection with that business?

Mr. DiCARLO. What do you mean by "pay-offs"?

Mr. NELLIS. Well, I am asking you. That is the way you described it.

Mr. DiCARLO. Why, I don't get that.

Mr. MOCK. I object to it.

Mr. NELLIS. Did you make any pay-offs in 1948 in connection with your business?

Mr. MOCK. I object to the question.

The CHAIRMAN. Will you answer the question?

Mr. DiCARLO. Well, I don't understand.

The CHAIRMAN. Well, pay-offs, paying money to somebody for protection or for some favor or to some enforcement officer.

Mr. MOCK. I object to that because there are many reasons that I can give you for paying off. If there is a bet that you won, it might be a pay-off.

The CHAIRMAN. Well, anyway, Mr. Mock, let me ask the question.

Did you during this time engage in any pay-offs to police officers or public officials?

Mr. DiCARLO. No, sir.

The CHAIRMAN. In any amount?

Mr. DiCARLO. No.

The CHAIRMAN. What is this on your books and records called pay-offs?

Mr. MOCK. I object to that.

The CHAIRMAN. All right. I am asking you your question.

Mr. MOCK. I think you have covered it in your previous question.

The CHAIRMAN. Mr. Mock, you make your objection, and I will rule on it.

Mr. MOCK. At this time I would like to object to the committee at this time—in other words, the fact that there is only one member of the three-member committee sitting here.

The CHAIRMAN. All right.

Mr. MOCK. Just a minute. For the purpose of the record. In my opinion, at least, there should be two members of any judicial tribunal or any inquiry pertaining to a matter of this kind, and I object to only one member of the committee sitting and passing upon the evidence and interrogating the witness.

The CHAIRMAN. Your objection is overruled.

Mr. Mock. Exception.

Mr. NELLIS. Do you know Joseph Aeillo?

Mr. DiCARLO. Yes.

Mr. NELLIS. What is his business?

Mr. DiCARLO. I wouldn't know.

Mr. NELLIS. Do you know Cadillac Charley Cavallaro?

Mr. DiCARLO. Yes.

Mr. NELLIS. Joseph Melik?

Mr. DiCARLO. Yes.

Mr. NELLIS. Samuel Halpern?

Mr. DiCARLO. Just slightly.

Mr. NELLIS. Leo Manley?

Mr. DiCARLO. No, sir.

Mr. NELLIS. You don't know him?

Mr. DiCARLO. No.

Mr. NELLIS. Tom Pappas?

Mr. DiCARLO. No.

Mr. NELLIS. Did you know that these people, all of them, had given statements to the chief of police naming you, Caputo, and Aeillo as operating as muscle men in their bookie business when you came to Youngstown?

Mr. Mock. I object.

The CHAIRMAN. Let's see if he knows that or not.

Mr. DiCARLO. You asked me if I knew that happened? No, I don't.

Mr. NELLIS. You don't know that?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Did you know that Cavallaro told the chief of police in a signed statement on April 8, 1948, that DiCarlo and Caputo and Aeillo muscled in on his business?

Mr. Mock. I object to that for the very same reasons that all of these things have been gone over and threshed over a dozen times in the courts, Senator, and the very names that—

The CHAIRMAN. Mr. Mock, this is not a court.

Mr. Mock. I understand that, but he has certain rights in any judicial tribunal or any inquiry.

The CHAIRMAN. We are trying to find what people do, how they operate.

Mr. Mock. You are trying to find out the old cat that is still in the closet for Chief Allen.

The CHAIRMAN. Mr. Mock, we want to get along with you, but you are going to have to cooperate.

Mr. Mock. I am willing to cooperate.

The CHAIRMAN. You remember the question. Did you know that, Mr. DiCarlo?

Mr. DiCARLO. Will you ask me that again.

The CHAIRMAN. Mr. Stenographer, read the question.

(Question read by reporter.)

Mr. DiCARLO. No, sir.

Mr. NELLIS. You didn't know that?

Mr. DiCARLO. How would I know.

Mr. NELLIS. Well, did you?

Mr. DiCARLO. No.

Mr. NELLIS. You didn't know?

Mr. DiCARLO. No.

Mr. NELLIS. You said you didn't know Manley, didn't you?

Mr. DiCARLO. Yes.

Mr. NELLIS. Did you know that Aeillo told Manley that there was a new partnership in his bookie joint effective a few days before Christmas, 1947?

Mr. DiCARLO. No.

Mr. Mock. Wait a minute. I object to the form of the question, what he told somebody else.

The CHAIRMAN. He said he didn't know about it, and I doubt if that is a question this witness would know about.

Mr. NELLIS. Isn't it a fact that when you came to Youngstown your principal business was to muscle in on the bookie joints in town?

Mr. Mock. Objection.

Mr. DiCARLO. No.

Mr. NELLIS. Is that right?

Mr. Mock. Well, go ahead and answer.

Mr. DiCARLO. What do you want me to tell you?

Mr. NELLIS. I asked you the question: Wasn't it a fact that your principal business when you arrived in Youngstown was to muscle in on the local bookies and take part of their income?

Mr. DiCARLO. Well, whose quotation is that?

Mr. NELLIS. I am asking—

Mr. CHAIRMAN. That is the question being asked you, Mr. DiCARLO.

Mr. DiCARLO. No, sir.

Mr. NELLIS. Did you engage in the bookie business when you were in Youngstown?

Mr. DiCARLO. No, sir.

Mr. NELLIS. You have never been in the bookie business?

Mr. DiCARLO. Not myself; no.

The CHAIRMAN. Well, I mean in association with people.

Mr. DiCARLO. I refuse to answer that, Senator.

The CHAIRMAN. The question is: Were you in association with other people in the bookie business in Youngstown in the last, well, I guess, 7 years?

Mr. DiCARLO. I refuse to answer.

The CHAIRMAN. You are directed to answer.

Mr. DiCARLO. I refuse to answer on my constitutional rights.

Mr. NELLIS. I would like to enter these statements in evidence, Senator, and identify them as statements given by the persons mentioned, Manley, Acillo—

The CHAIRMAN. Well, Mr. Nellis, we cannot put them in the record as of this time. Do you want to file them for identification, for reference?

Mr. NELLIS. That is what I want to do.

The CHAIRMAN. They will not become part of the record at this time.

Mr. NELLIS. They are simply for identification in connection with this witness.

The CHAIRMAN. They have not been proven as to who took the statements.

Mr. Mock. And especially any statement that was taken when he wasn't present wouldn't be competent.

The CHAIRMAN. Well, unless we can get proof where the statements came from, they will not be put in.

Mr. Mock. That's right.

Mr. NELLIS. Do you know Anthony Milano?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Do you know James Licavoli?

Mr. DiCARLO. Yes.

Mr. NELLIS. How well do you know him?

Mr. DiCARLO. Just know him.

Mr. NELLIS. What is his business?

Mr. DiCARLO. I wouldn't know.

Mr. NELLIS. Have you ever been in business with him?

Mr. DiCARLO. No.

Mr. NELLIS. Ray Lanese?

Mr. DiCARLO. No.

Mr. NELLIS. You don't know him?

Mr. DiCARLO. Yes, I know Lenise.

Mr. NELLIS. Have you been in business with him in Florida?

Mr. DiCARLO. No.

Mr. NELLIS. Do you know Willie Moretti?

Mr. DiCARLO. No.

Mr. NELLIS. Never met him?

Mr. DiCARLO. No.

Mr. NELLIS. What is your brother's name?

Mr. DiCARLO. Sam.

Mr. NELLIS. Sam DiCARLO?

Mr. DiCARLO. That's right.

Mr. NELLIS. Do you know Joseph Profaci?

Mr. DiCARLO. No.

Mr. NELLIS. Ignazio Italiano?

Mr. DiCARLO. No.

Mr. NELLIS. Charles San Filippo?

Mr. DiCARLO. No.

Mr. NELLIS. James Murabello?

Mr. DiCARLO. No.

Mr. NELLIS. Do you know that these persons were arrested here in Cleveland along with about 20 other persons including your brother Sam at a raid on the Statler Hotel?

Do you know about that?

Mr. Mock. I object to it.

Mr. DiCARLO. What was that—

The CHAIRMAN. If he knows.

Mr. Mock. Well, he isn't his brother's keeper, either, Senator.

The CHAIRMAN. Well, doesn't necessarily involve him unless we show something.

Did you say you knew about it or not?

Mr. DiCARLO. Well, I recall something about it, but I don't think that—

Mr. Mock. That is enough.

Mr. DiCARLO. I just don't remember.

Mr. NELLIS. And your brother was arrested in that raid with Vincent Mangano. Do you know him?

Mr. DiCARLO. No.

Mr. NELLIS. Or Frank Aiello?

Mr. DiCARLO. No.

Mr. NELLIS. You don't know any of these people?

Mr. DiCARLO. No.

Mr. NELLIS. What did your brother tell you about being here at that time?

Mr. Mock. Wait a minute. Just a minute. That last question you asked "You don't know any of these people?" Who are you referring to?

Mr. CHAIRMAN. Well, he mentioned the ones he knew and he didn't know.

Mr. Mock. All right. Just so we understand each other.

Mr. NELLIS. Did your brother ever tell you anything about the circumstances of that raid?

Mr. DiCARLO. Could you tell me the date of that raid?

Mr. NELLIS. Yes. December 5, 1928.

Mr. DiCARLO. Well, I guess on December 5, 1928, I was in the penitentiary.

Mr. NELLIS. Didn't he ever write you or tell you about being picked up here in Cleveland?

Mr. DiCARLO. I don't think if he wrote to me the letter would be permitted—would be given to me.

Mr. NELLIS. Do you know Patrick Quigliano, alias Collins?

Mr. DiCARLO. No.

Mr. NELLIS. Do you know William Lupton, mayor of Niagara Falls?

Mr. DiCARLO. No.

Mr. NELLIS. Never met him?

Mr. DiCARLO. No.

Mr. NELLIS. I have no further questions at this time.

The CHAIRMAN. Mr. Halley, do you have any questions?

Mr. HALLEY. Yes.

Where were you born?

Mr. DiCARLO. Italy.

Mr. HALLEY. In what year?

Mr. DiCARLO. 1899.

Mr. HALLEY. When did you come to the United States?

Mr. DiCARLO. Why, I don't know. I don't remember.

Mr. NELLIS. Roughly; were you a young child?

Mr. DiCARLO. Around maybe 1906 or 1907. I mean, I wouldn't know the exact year.

Mr. HALLEY. Did somebody bring you?

Mr. DiCARLO. Yes.

Mr. HALLEY. Your parents?

Mr. DiCARLO. Yes.

Mr. HALLEY. In what city of the United States did you first live?

Mr. DiCARLO. New York.

Mr. HALLEY. What part of New York?

Mr. DiCARLO. Well, I was too young. I wouldn't remember.

Mr. HALLEY. Was it in the city of New York?

Mr. DiCARLO. I think it was, I'm not sure.

Mr. HALLEY. You were 9 or 10 years old.

Mr. DiCARLO. Well, I know, you see—I didn't go to school in Italy.

Mr. HALLEY. You would know whether you lived in Manhattan.

Mr. DiCARLO. I know I lived in New York, but I wouldn't know just where.

Mr. HALLEY. I mean, you do know whether you lived in Manhattan, Brooklyn, the Bronx, Queens, Staten Island.

Mr. DiCARLO. I will tell you, at that time I didn't know that there was so many boroughs there.

Mr. HALLEY. How long did you live in New York?

Mr. DiCARLO. Offhand, I would say—well, I don't know—maybe a year, 2 years.

Mr. HALLEY. A year or 2 years?

Mr. DiCARLO. Yes, but I wouldn't know the exact time.

Mr. HALLEY. And then in a year or 2 years you never found out what borough you lived in, Mr. DiCarlo?

Mr. DiCARLO. I wasn't acquainted to the boroughs in them days. I mean, now I would know if I lived in New York or Brooklyn.

Mr. HALLEY. You were about 10 years old.

Mr. DiCARLO. Yes. Well, I don't remember.

Mr. HALLEY. You don't really expect me to believe that, do you?

Mr. DiCARLO. Do you want me to say New York if I don't remember?

Mr. HALLEY. Is that it, you don't remember, or you didn't ever know where you lived?

Mr. DiCARLO. I know we lived in New York. I really don't know where.

Mr. HALLEY. Where did you move after you left New York, if you know?

Mr. DiCARLO. Buffalo.

Mr. HALLEY. How long did you live in Buffalo?

Mr. DiCARLO. Up until—I don't know—1945 or 1946.

Mr. HALLEY. From about 1910?

Mr. DiCARLO. Maybe before that. I don't know if it is 1906 or 1907, around that, you know.

Mr. HALLEY. Did you go to school in Buffalo?

Mr. DiCARLO. I did.

Mr. HALLEY. Did you go to school in New York?

Mr. DiCARLO. No—I don't remember.

Mr. HALLEY. You don't remember?

Mr. DiCARLO. I don't remember going to school in New York.

Mr. HALLEY. Did you start in Buffalo in the first grade?

Mr. DiCARLO. Why, I guess I did.

Mr. HALLEY. You were a fairly big boy at that time, weren't you?

Mr. DiCARLO. Yes, I was—I must have been.

Mr. HALLEY. And you started in the first grade in Buffalo?

Mr. DiCARLO. Yes, I must have started in the first grade.

Mr. HALLEY. How long did you stay in school?

Mr. DiCARLO. Why, 10 or 12 years.

Mr. Mock. Is this important at this time?

Mr. CHAIRMAN. I think it might be, Mr. Mock.

Mr. Mock. Well, I beg your pardon.

The CHAIRMAN. I don't know the exact importance of it, but—

Mr. HALLEY. I am just trying to find out what kind of a guy Mr. DiCarlo is.

Mr. Mock. I suppose he went to school.

Mr. HALLEY. The committee is entitled to that, don't you think?

Mr. Mock. I think so.

Mr. HALLEY. When were you born? You said about 1898?

Mr. DiCARLO. I was born '99, November 8.

Mr. HALLEY. You went to school for 10 or 12 years in Buffalo?

Mr. DiCARLO. Yes.

Mr. HALLEY. You came to this country when you were 8 or 9 years old?

Mr. DiCARLO. No. I was younger than that.

Mr. HALLEY. In 1906?

Mr. DiCARLO. Maybe 4 or 5 years old, I would say.

Mr. HALLEY. Four or five years old?

Mr. DiCARLO. I don't know the exact year, but I would say offhand 4 or 5 years old.

Mr. HALLEY. And then you went to Buffalo a year or two later?

Mr. DiCARLO. Well, I wouldn't know the exact—how long—I wouldn't know the exact time that we lived in New York. I would say maybe a couple of years.

Mr. HALLEY. So that you were only 6 years old when you went to Buffalo?

Mr. DiCARLO. Six or seven years old, I guess.

Mr. HALLEY. And you started school there?

Mr. DiCARLO. That's right.

Mr. HALLEY. And you went through school how far in Buffalo?

Mr. DiCARLO. I went to the first year in high school.

Mr. HALLEY. Then what did you do?

Mr. DiCARLO. Then what did I do?

Mr. HALLEY. Yes.

- Mr. DiCARLO. I went in business with my father.
- Mr. HALLEY. What business was that?
- Mr. DiCARLO. Restaurant business.
- Mr. HALLEY. How long did you stay in the restaurant business?
- Mr. DiCARLO. I stayed in the restaurant business until 1924. The early part of 1924 would be about right.
- Mr. HALLEY. Then what business did you go in?
- Mr. DiCARLO. Well, I had a misfortune. I went to jail.
- Mr. HALLEY. What was that for?
- Mr. DiCARLO. Why, the counselor—I told the counselor.
- Mr. HALLEY. Would you mind telling me?
- Mr. DiCARLO. Why, I don't know. Conspiracy, I told him, I guess.
- Mr. HALLEY. What? A liquor conspiracy?
- Mr. DiCARLO. No.
- Mr. HALLEY. What kind of conspiracy?
- Mr. DiCARLO. He said it was intimidating, if I——
- Mr. NELLIS. I didn't say it; you said it.
- Mr. DiCARLO. You read it out of the record. I didn't say it.
- Mr. NELLIS. You agreed it was in the record.
- Mr. HALLEY. Let's not have an altercation.
- Mr. Mock. Will just one of you counselors ask the question?
- Mr. HALLEY. Yes. One at a time, please.
- What did you go to jail for?
- Mr. DiCARLO. All I know is conspiracy.
- Mr. HALLEY. Conspiracy to do what?
- Mr. DiCARLO. Why, he just read it out. He said intimidating, if I'm not mistaken.
- Mr. HALLEY. In connection with what?
- Mr. DiCARLO. Why, I just wouldn't know—what do you mean?
- Mr. Mock. He means what was it with reference to, a lawsuit, whatever it is.
- Mr. DiCARLO. No.
- Mr. HALLEY. How did you get into that situation as a result of which you went to jail?
- What were you doing at the time?
- Mr. Mock. For the purpose of the record, I object to it again because I can't see how it would be in any way connected with this case, something that happened in a local affair, again.
- The CHAIRMAN. Of course, Mr. Mock, everything has got to happen somewhere.
- Mr. Mock. That's right, but if it involves intimidation, as I understand the word, why, I can't see how it would affect interstate commerce.
- The CHAIRMAN. We will have to see. Anyway, go ahead.
- Mr. HALLEY. You also had an assault conviction, didn't you, in Buffalo?
- Mr. Mock. I wonder if we might see the record and then maybe we can help ourselves.
- Mr. HALLEY. Sure. There is no objection.
- Mr. DiCARLO. Is it all right for me to look at it, too?
- Mr. HALLEY. Of course, yes.
- The CHAIRMAN. Sure.
- Mr. Mock. Now, Senator.
- The CHAIRMAN. All right, Mr. Mock, what is it?
- Mr. Mock. I would like to hand you back the record, and if Mr. Halley will take it and look at January 2, 1924, Mr. DiCarlo was then sentenced for 6 years at Atlanta, which he already told you about. Now, if he was sentenced for 6 years, I understand there was some question of the appeal and things of that kind, and then April 16, 1925 evidently there is some mistake, but it is all the same crime. In other words, the 6 years there in Chillicothe in some way for intimidation.
- Mr. DiCARLO. I wasn't sentenced to Chillicothe. I was transferred to Chillicothe.
- Mr. HALLEY. I would presume it was different towns on an indictment for the same offense. That would be my judgment from my experience with matters of this type.
- Mr. Mock. I think it grows out of the same offense.
- Mr. HALLEY. Apparently there was an assault in connection with intimidating a witness of some kind.
- Now, what I am trying to find out from you, Mr. DiCarlo, now that your memory is refreshed, who were you trying to intimidate and why?

Mr. Mock. Well, I object to that, because it is remote; it is of no importance to this Commission at this time. He has served—now, wait a minute. He has served his penalty, and it was strictly a local matter, and——

Mr. HALLEY. May I be heard on that? I think it is important to make the point, Mr. Chairman.

Governor Lausche testified here at the start of this hearing and voiced something the committee has found again and again, that certain types of criminals don't seem to get convicted because witnesses are intimidated to such an extent that it is impossible to prosecute. And whether this happened in 1924, or in 1950, as long as it happened in connection with this witness, it is relevant and very important to this investigation, Mr. Chairman.

Mr. Mock. Well then, if the man was convicted of intimidation of a witness, then there certainly couldn't be any offense grow out of that or couldn't be any damage done to the complaining parties.

The CHAIRMAN. All right. Well, who was it you were alleged to have intimidated and what was——

Mr. DiCARLO. Why, I denied that. I didn't assault anybody and I didn't intimidate anybody.

The CHAIRMAN. But you got convicted for it?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. Was it in connection with a narcotic case?

Mr. DiCARLO. I wouldn't know.

Mr. HALLEY. Well, was the witness you were dealing with somebody who was being charged with a narcotic violation?

Mr. DiCARLO. Why, counsel, I didn't plead guilty to that charge; I was found guilty. I still maintain I was innocent of that charge although the courts convicted me.

Mr. HALLEY. What is the charge of which you were innocent?

Mr. DiCARLO. Offhand, I just don't know.

Mr. HALLEY. Wasn't it intimidating a witness in a narcotics case?

Mr. DiCARLO. Well, I have told you, counsel, I still maintain up until today that I was innocent of the charge.

The CHAIRMAN. I know, but what is the charge?

Mr. DiCARLO. The charge against me was intimidating.

Mr. HALLEY. In connection with a narcotics case?

Mr. DiCARLO. Well, I wouldn't know.

Mr. HALLEY. How long did you serve, after 1924? How long were you in jail?

Mr. Mock. Well, I object to it; it is remote, immaterial, irrelevant and incompetent.

Mr. HALLEY. Well, the record shows he was released in 1928. You served about 4 years?

Mr. DiCARLO. I was released in '28.

Mr. Mock. I object to it for the same reason, that I can't see how it would have any materiality; just for the purpose of the record, Senator, is all I want to have.

The CHAIRMAN. All right.

Mr. HALLEY. Then what business did you go into after you were released?

Mr. DiCARLO. I didn't do much for a while and then I went into the amusement business.

Mr. HALLEY. Well, what form of the amusement business were you in?

Mr. DiCARLO. Why, I was in the vending machine business. I had cigarette machines and music boxes.

Mr. HALLEY. Did you have any slot machines?

Mr. DiCARLO. No, sir.

Mr. HALLEY. And what other business have you been in in Buffalo, since 1928 and up to 1945?

Mr. DiCARLO. That is all, amusement business.

Mr. HALLEY. Well, what forms of the amusement business?

Mr. DiCARLO. I answered it.

Mr. HALLEY. Just cigarette machines?

Mr. DiCARLO. That is all, and music boxes.

Mr. HALLEY. And music boxes?

Mr. DiCARLO. That is right.

Mr. HALLEY. No other businesses?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Were you ever in any gambling business in Buffalo?

Mr. Mock. Wait a minute; I object to it.

The CHAIRMAN. You are directed to answer the question.

Mr. DiCARLO. Why, I refuse to answer that question, counselor.

The CHAIRMAN. All right. You are directed to answer and you refuse to answer.

Mr. HALLEY. Now, in 1945, you decided to leave Buffalo; is that right?

Mr. MOCK. I object to it, for the reason that it has already been answered by the other attorneys in answer to your question.

The CHAIRMAN. Well, the fact is that in about 1945 he did leave Buffalo?

Mr. MOCK. He did leave Buffalo and the claim is he came to Cleveland and—

The CHAIRMAN. Well, let's let him testify.

Mr. MOCK. Well, I am objecting. It is already in the record.

The CHAIRMAN. Well, Mr. Mock, some of your objections are getting facetious and we are wasting a lot of time with some objections which have no foundation.

Mr. MOCK. I don't intend to be facetious.

The CHAIRMAN. The question says in 1945 he decided to leave Buffalo. I assume he decided to leave, because he did leave. So I can't see why you would object to him answering.

Mr. MOCK. On the places that he has already answered is all.

The CHAIRMAN. All right, Mr. Mock, if you will withhold further comment.

Mr. MOCK. I am sorry, Senator.

The CHAIRMAN. The question is 1945 you decided to leave Buffalo; is that right?

Mr. DiCARLO. That is right; around '45, '46.

Mr. HALLEY. Now, who did you know in Youngstown at that time?

Mr. DiCARLO. Why, I refuse to answer that question, counselor.

The CHAIRMAN. What was the question?

Mr. DiCARLO. He wants to know who I knew in Youngstown.

Mr. HALLEY. At the time you went from Buffalo to Youngstown.

Mr. DiCARLO. Well, I knew a few fellows around there.

Mr. HALLEY. Well, who did you know there?

Mr. DiCARLO. I refuse to answer that question.

The CHAIRMAN. You are directed to answer it.

Mr. HALLEY. At that time, did you know anybody named Joseph Aeillo?

Mr. DiCARLO. No, sir.

Mr. HALLEY. You did not know him?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Did you know anybody named Milano at that time?

Mr. DiCARLO. No, sir.

Mr. HALLEY. You had never met any of the Milano family?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Did you know any of the Licavoli family?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. Who did you know of the Licavoli family?

Mr. DiCARLO. Pete Licavoli, Jack Licavoli.

Mr. HALLEY. How long had you known Pete Licavoli?

Mr. DiCARLO. Offhand I would say 25 years.

Mr. HALLEY. And where did you meet him?

Mr. DiCARLO. I met him in Buffalo.

Mr. HALLEY. And how long had you known Jack Licavoli?

Mr. DiCARLO. Well, I would say about the same time.

Mr. HALLEY. Did you know James Licavoli?

Mr. DiCARLO. No, sir.

Mr. HALLEY. At that time, did you know Al Polizzi?

Mr. DiCARLO. Slightly.

Mr. HALLEY. Where and how had you met him?

Mr. DiCARLO. Why, I met him, I think the first time I met him was in Cleveland.

Mr. HALLEY. Did you know at that time Frank Brancato?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Did you know any of the Angersola brothers at that time?

Mr. DiCARLO. Just one.

Mr. HALLEY. Who did you know?

Mr. DiCARLO. John.

Mr. HALLEY. Where did you meet him?

Mr. DiCARLO. I met him here in Cleveland.

Mr. HALLEY. Had you visited Cleveland from time to time before 1945?

Mr. DiCARLO. Oh, yes.

Mr. HALLEY. You had traveled extensively in the United States before 1945?

Mr. DiCARLO. Yes; I would say yes.

Mr. HALLEY. Had you done business in any other cities besides Buffalo, N. Y., before 1945?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Where did you visit? What cities of the United States had you visited before 1945?

Mr. DiCARLO. Do you want me to mention all the cities?

Mr. HALLEY. Well, let me try to short-cut it this way: You had been a frequent visitor at Miami, Fla.?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. And Cleveland?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. And Chicago?

Mr. DiCARLO. No, sir; I was in Chicago for a fight, the Louis-Braddock fight, if I am not mistaken.

Mr. HALLEY. When was that?

Mr. DiCARLO. Why, I would say 10, 12, years ago; I just don't recall the date.

Mr. HALLEY. You would return to New York City from time to time?

Mr. DiCARLO. You say do I go to New York City?

Mr. HALLEY. Before 1945, while you lived in Buffalo.

Mr. DiCARLO. Oh, yes.

Mr. HALLEY. And did you visit in New Orleans?

Mr. DiCARLO. No, never was in New Orleans in my life.

Mr. HALLEY. Have you ever been in Tampa?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Have you ever been in Tucson, Ariz.?

Mr. DiCARLO. No, sir.

Mr. HALLEY. You have never visited Pete Licavoli at his ranch?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Have you ever been in Hot Springs?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. Did you go there before 1945?

Mr. DiCARLO. Oh, yes; sure.

Mr. HALLEY. Frequently?

Mr. DiCARLO. Not frequently. I wouldn't say that. A couple of times.

Mr. HALLEY. Had you visited Los Angeles?

Mr. DiCARLO. I was there once.

Mr. HALLEY. San Francisco?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Had you ever been in Tia Juana, Mexico?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Now, do you know Joe Massey?

Mr. DiCARLO. Why, I just know of him. I wouldn't say I know him. I wouldn't know him if I saw him.

Mr. HALLEY. And do you know Charles Fischetti?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Or Rocco Fischetti?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Or Tony Accardo?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Do you know Joe Adonis?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Willie Moretti?

Mr. DiCARLO. No, sir.

Mr. HALLEY. He is sometimes called Willie Moore.

Mr. DiCARLO. No, sir.

Mr. HALLEY. You do not know. Do you know Frank Costello?

Mr. DiCARLO. No.

Mr. HALLEY. Now, in Cleveland, have you ever had any business dealings with Al Polizzi?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Have you ever had any with Jerry Milano?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Or Tony Milano?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Or with Fred, John, or George Angersola?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Have you ever had dealings with them in any other place beyond Cleveland?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Now, have you had business dealings with Joseph Aeillo?

Mr. DiCARLO. I refuse to answer that question.

Mr. MOCK. Just a minute.

The CHAIRMAN. You are directed to answer it. Do you refuse to answer?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. Have you had business dealings with Dominic Capudo?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. You have?

Mr. DiCARLO. Yes.

Mr. HALLEY. Where?

Mr. DiCARLO. Youngstown, Ohio.

Mr. HALLEY. And what was the nature of those business dealings?

Mr. DiCARLO. I refuse to answer that question.

Mr. HALLEY. Have you had business dealings with Charles Vicinni?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Mr. Chairman, do I understand that you have directed the witness to reply to the question about whether or not he had business dealings with Capudo?

Mr. MOCK. He has answered.

Mr. DiCARLO. I said "Yes."

Mr. HALLEY. But you refused to state what the dealings were.

Mr. DiCARLO. That is right.

The CHAIRMAN. And I directed you to answer.

Mr. DiCARLO. Yes, and I refused again.

Mr. MOCK. For the same reason as to the previous—

Mr. HALLEY. Have you had business dealings with Tony Dallassandro?

Mr. DiCARLO. I don't even know who he is.

Mr. HALLEY. Have you had any dealings with Dick Tamburello?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Have you had any with Charles Caballero?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Have you ever stayed at the Wofford Hotel in Miami Beach?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. In what year did you stay at the Wofford Hotel at Miami Beach?

Mr. DiCARLO. Well, I would say offhand, I would think, 1947, 1946; that is about the only 2 years.

Mr. HALLEY. And what other hotels at Miami Beach do you stay at?

Mr. DiCARLO. Well, that is the only hotels I have stayed the last two times I have been there.

Mr. HALLEY. Well, have you ever been at any other hotel besides the Wofford?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. Well, what is that?

Mr. DiCARLO. Well, the Shoreham. And the Normandy, I guess I stayed one season.

Mr. HALLEY. The Normandy?

Mr. DiCARLO. I guess that is it. The Normandy.

Mr. HALLEY. But the last two times you stayed at the Wofford?

Mr. DiCARLO. That is right.

Mr. HALLEY. Who introduced you to the management at the Wofford?

Mr. DiCARLO. I didn't have to be introduced. I just checked in.

Mr. HALLEY. Well, you knew that John King was one of the owners, did you not?

Mr. DiCARLO. Well, it was rumored; I wouldn't swear to it.

Mr. HALLEY. Well, you saw John King down there, did you not?

Mr. DiCARLO. Yes, sir.

Mr. HALLEY. Did you meet Little Augie Pisano down there?

Mr. DiCARLO. Why, I saw him; I don't know him.

Mr. HALLEY. Didn't you ever say "Hello" to him?

Mr. DiCARLO. Well, maybe I said "Hello" to him.

Mr. HALLEY. Were you introduced to him?

Mr. DiCARLO. No, sir.

Mr. HALLEY. Did you ever play cards in one of the large card games at the Wofford?

Mr. DiCARLO. No, sir.

Mr. HALLEY. How long were you at the Wofford in 1947?

Mr. DiCARLO. Oh, I don't know; a month.

Mr. HALLEY. And how long were you at the Wofford in 1946?

Mr. DiCARLO. Well, I would say a month.

Mr. HALLEY. A month in each case?

Mr. DiCARLO. Or maybe a week or 3 weeks or 5 weeks.

Mr. HALLEY. Were you there alone or with somebody else?

Mr. DiCARLO. With my family.

Mr. HALLEY. With your family?

Mr. DiCARLO. That is right.

Mr. HALLEY. Now, in Youngstown, what has been your business?

Mr. DiCARLO. Why, I refuse to answer that, counselor.

Mr. HALLEY. Were you working when you were in Miami or were you on vacation?

Mr. DiCARLO. Just vacationing.

Mr. HALLEY. During the season?

Mr. DiCARLO. That is right.

Mr. HALLEY. And do you have any legitimate business at this time?

Mr. DiCARLO. No, sir.

Mr. HALLEY. When have you last had a legitimate business?

Mr. DiCARLO. Well, let me see. I just don't know when I sold my business out.

It must have been around 1938.

Mr. HALLEY. 1938?

Mr. DiCARLO. Yes.

Mr. HALLEY. What was your last legitimate business?

Mr. DiCARLO. The vending-machine business.

Mr. HALLEY. The vending-machine business?

Mr. DiCARLO. That is right.

Mr. HALLEY. From 1938 to 1945, did you have any legitimate business?

Mr. DiCARLO. Well, and then of course, for them years I was in jail, I guess, 2 or 3 years; I think it was 2 years.

Mr. HALLEY. I guess that was a legitimate occupation.

What did you do the rest of the time?

Mr. DiCARLO. Well, I had a job in there, counselor.

Mr. HALLEY. Now, what did you do the rest of the time? Did you have any legitimate occupation?

Mr. DiCARLO. No, sir.

Mr. HALLEY. So that except for the period during which you were in jail, you had no legitimate occupation?

Mr. DiCARLO. I was out of work, counselor.

Mr. HALLEY. Well, out of work. You couldn't afford to spend a month at the Wofford Hotel in the season with your family, could you?

Mr. DiCARLO. Well, I—there is a lot of retired people go to Miami if I am not mistaken.

Mr. HALLEY. Are you a retired gentleman, Mr. DiCARLO?

Mr. DiCARLO. Well, not exactly. Right at the present time I am.

Mr. HALLEY. In any event, since 1938 you have been retired from legitimate activities?

Mr. DiCARLO. That is right.

Mr. HALLEY. I think that is all.

Mr. Mock. Is that all, sir?

The CHAIRMAN. I think Mr. Nellis has one or two questions.

Mr. NELLIS. Do you own a home?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Do you have any real property?

Mr. DiCARLO. No, sir.

Mr. NELLIS. What do you estimate your net worth to be at this time?

Mr. DiCARLO. Nothing.

Mr. NELLIS. Zero?

Mr. DiCARLO. Zero.

Mr. NELLIS. Do you own a car?

Mr. DiCARLO. Yes.

Mr. NELLIS. What kind?

Mr. DiCARLO. A Cadillac.

Mr. NELLIS. What year?

Mr. DiCARLO. 1948.

Mr. NELLIS. Any other cars?

Mr. DiCARLO. No, sir.

Mr. NELLIS. Did you ever make any political contributions?

Mr. DiCARLO. No.

- Mr. NELLIS. In any of the cities in which you have lived?
- Mr. DiCARLO. No, sir.
- Mr. NELLIS. No further questions.
- The CHAIRMAN. What companies did you handle juke boxes for?
- Mr. DiCARLO. Chippewa Amusement Co.
- The CHAIRMAN. Out of Chicago, or where?
- Mr. DiCARLO. No, it is my own—you said what companies did I do business with?
- The CHAIRMAN. Yes.
- Mr. DiCARLO. I guess Mills.
- The CHAIRMAN. And what others?
- Mr. DiCARLO. Oh, offhand I wouldn't know, Senator. My partner used to handle most of that buying.
- The CHAIRMAN. Well, anyway, who was your partner?
- Mr. DiCARLO. His name was Joe Anselloni.
- The CHAIRMAN. Where does he live?
- Mr. DiCARLO. Well, he has been away from Buffalo.
- Mr. Mock. He said where does he live?
- Mr. DiCARLO. That is what I am going to answer.
- The CHAIRMAN. Did he live in Buffalo?
- Mr. DiCARLO. That is right.
- The CHAIRMAN. Where does he live now?
- Mr. DiCARLO. I wouldn't know. He has been gone from Buffalo the past 10 or 12 years. I don't know where he is.
- Mr. Mock. That is the answer.
- The CHAIRMAN. Were you in business in Youngstown with Phil Rose?
- Mr. DiCARLO. No, sir.
- The CHAIRMAN. Solly Engel?
- Mr. DiCARLO. No, sir.
- The CHAIRMAN. Do you know them?
- Mr. DiCARLO. Yes, sir; slightly.
- The CHAIRMAN. Do you know Joe Mellik?
- Mr. DiCARLO. Slightly.
- The CHAIRMAN. Were you in business with him?
- Mr. DiCARLO. No, sir.
- The CHAIRMAN. Now, you did have a business interest in the Italian Village restaurant?
- Mr. DiCARLO. Well, I was going in business there, and we had an agreement, but the deal never went through. I had a deposit up, but I withdrew from it before I got into it.
- The CHAIRMAN. Wasn't one of Joe Massey's relatives in the business there?
- Mr. DiCARLO. I wouldn't know.
- Mr. HALLEY. That was Ray Lenise, wasn't it?
- Mr. DiCARLO. I wouldn't know. I knew Ray Lenise.
- The CHAIRMAN. His wife is a niece of Joe Massey's, isn't she?
- Mr. DiCARLO. Is she? I wouldn't know. I know Ray. I wouldn't know if they are related.
- The CHAIRMAN. All right. I believe that is all.
- Mr. HALLEY. May I ask one or two more questions?
- Is Ray Lenise related to Louie Lenise, here in Cleveland?
- Mr. DiCARLO. I wouldn't know him.
- Mr. HALLEY. You wouldn't know that?
- Mr. DiCARLO. Yes.
- Mr. HALLEY. Do you know James Licavoli?
- Mr. DiCARLO. Yes.
- Mr. HALLEY. He was once in partnership with Louie Lenise here in Cleveland, wasn't he?
- Mr. DiCARLO. I don't know any of Jack Licavoli's business.
- Mr. HALLEY. When he got out of jail, did he go into the storm-window business with Louie Lenise?
- Mr. DiCARLO. I never heard—I am not interested.
- Mr. HALLEY. Do you know Vincent Mangine?
- Mr. DiCARLO. No.
- Mr. HALLEY. Do you know Rose Licavoli, who is married to Vincent Mangine?
- Mr. DiCARLO. Rose Licavoli? I don't know no Rose Licavoli. I think you have got that wrong, counselor.
- Mr. HALLEY. Well, her real name is Rosaline.

Mr. DiCARLO. I don't know.
 Mr. HALLEY. You don't know any Rosaline Licavoli?
 Mr. DiCARLO. No, sir.
 Mr. HALLEY. Do you know the whole family?
 Mr. DiCARLO. The Licavoli family?
 Mr. HALLEY. Yes.
 Mr. DiCARLO. Well, I know Pete and Jack, and I know his sister Grace. That is about all.
 Mr. HALLEY. Do you know his sister Rose?
 Mr. DiCARLO. No, I don't.
 Mr. HALLEY. When you say "Jack," do you mean James?
 Mr. DiCARLO. Well, I don't know. I know him by Jack. It might be James.
 Mr. HALLEY. Thank you.
 Mr. DiCARLO. Thank you, Senator.
 The CHAIRMAN. Mr. DiCarlo, you will remain under continued subpoena of the committee, without serving any notices of subpoena, to be available, if we want you again.
 You have refused to answer certain questions, and I will have to make a recommendation that some appropriate action be made in connection therewith.
 Mr. DiCARLO. Thank you, Senator.
 Mr. Mock. All right.

ANNEX II

The committee has received the following memorandum from its chief counsel, which sets forth the legal opinion of its staff with reference to the contempts committed by Joseph DeCarlo, alias "The Wolf," alias DiCarlo.

JANUARY 29, 1951.

MEMORANDUM TO SENATOR ESTES KEFAUVER, CHAIRMAN. RE CONTEMPT OF JOSEPH DeCARLO (S. RES. 67)

I have examined the record of the testimony of Joseph DeCarlo in addition to hearing it at the time it was given, and it is my opinion, which has previously been conveyed to the committee, that the refusal by Joseph DeCarlo to answer questions was contemptuous of the United States Senate and its Special Committee To Investigate Organized Crime in Interstate Commerce.

As chief counsel of the committee, with the advice and concurrence of the committee's legal staff, I have advised the committee and now certify that the contempts complained of are, in my opinion, punishable as a matter of law. In those instances where the witness asserted a claim of privilege, it is my opinion that the claim was not made in good faith inasmuch as there was no reasonable relationship between the question asked and a line of proof which might incriminate the witness under any Federal statute.

In certifying contempt proceedings, this committee and its counsel have carefully distinguished between refusals to answer based on an arbitrary or fanciful claim of privilege from refusals to answer questions where a claim of privilege might be raised with even a minimum possibility that the witness might be incriminated under any of the laws of the United States.

RUDOLPH HALLEY, *Chief Counsel.*

